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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,853	04/06/2005	Kenji Kaneko	255867US3X PCT	2921
22850	7590	07/07/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PATEL, PUNAM	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,853

Applicant(s)

KANEKO ET AL.

Examiner

Punam Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/08/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,7,8 is/are pending in the application.
- 4a) Of the above claim(s) 3 & 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/16/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/16/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of the invention of Figs. 1 and 4 in the reply filed on June 8, 2006 is acknowledged. The traversal is on the ground(s) that a search for the elected species will also require a search in the classes and subclasses of the other species. This is not found persuasive because a proper search for the elected species will be conducted in classes and subclasses that relate to dynamometers responsive to force by measuring a strain and elastic deformation and a search for the other species would be conducted in classes and subclasses that relate to dynamometers responsive to force by measuring fluid pressure.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 7/6 and 8 are objected to because of the following informalities: Claim 7 will not be considered because it has not been elected. Claim 7 needs to be amended to remove the dependency on non-elected claim 6. With respect to claims 8, the phrase "wherein the concave portions, the ribs, and the stoppers, the substrates" contains a grammatical error. For the purposes of examination the phrase will be read as "wherein the concave portions, the ribs, the stoppers, and the substrates". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (US 3,712,294).

6. With respect to Claims 1 and 4, Muller teaches a method and a device for detecting a low rigid force (see Title), comprising the steps of: preparing a pair of substrates opposing each other (see Figure 1) and undergoing displacement in a direction changing the space between the substrates by an impact force applied thereto (column 3, lines 17-20; wherein the load is read as an impact force); interposing at least one absorption detection mechanism between the substrates

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(Figure 1, #'s 11 and 13), the absorption detection mechanism being made by integrating impact absorbing means (Figure 1, #11) and force detecting means (Figure 1, #13) in one body; and detecting a force applied between the substrates by the force detecting means (see Abstract, wherein a subject jumping on the apparatus would cause a vertical deflection of the absorption detection mechanism) while absorbing an impact force applied between the substrates by elasticity of the impact absorbing means (wherein the steel column is read as being able to absorb an impact force with its elasticity).

7. Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Axakov et al. (US 7,005,587).

8. With respect to Claims 1 and 4, Axakov et al. teaches a method and a device for detecting a low rigid force, comprising the steps of: preparing a pair of substrates opposing each other (see Abstract, wherein the first and second element are being read as a pair of opposing substrates) and undergoing displacement in a direction changing the space between the substrates by an impact force applied thereto (column 1, lines 8-10, wherein an applied weight on the load cell causes a change in space between the first and second element); interposing at least one absorption detection mechanism between the substrates (column 2, lines 53-60, wherein the force sensitive unit is read as an absorption detection mechanism), the absorption detection mechanism being made by integrating impact absorbing means (Figure 1, #24 & column 4, lines 35-42, wherein the rubber bushing is read as an impact absorbing means) and force detecting means (Figure 1, #9 & Figure 4, #5) in one body; and detecting a force applied between the substrates

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by the force detecting means (column 2, line 63) while absorbing an impact force applied between the substrates by elasticity of the impact absorbing means (column 1, lines 43-45).

9. With respect to Claims 2 and 5, Axakov et al. teaches the method and the device, wherein the impact absorbing means comprises a columnar, (column 4, lines 8-11, wherein cylindrical is read as columnar) low-rigidity member having rubber elasticity (Figure 1, #24 & column 4, lines 35-37, wherein the shock absorbing rubber bushing is understood be a low-rigidity member in order to absorb shock) while the force detecting means comprises a displacement sensor (Figure 4, #5, wherein the strain gauge is read as a displacement sensor) for detecting a force produced in accordance with a strain of the low-rigidity member (column 7, lines 50-62) in a longitudinal direction (column 7, lines 47-49).

10. With respect to Claim 7, Axakov et al. teaches the device wherein while a pair of the substrates have degrees of freedom with regard to a relative displacement in the Z-axial direction and relative rotational displacements about the X-axis and Y-axis (column 7, lines 42-50, wherein angular orientation is read as rotational displacement and vertical movement is read as relative displacement in the Z-axial direction), a relative rotational displacement about the Z-axis and relative displacements in the X- and Y-axial directions are restricted (column 1, lines 44-48 & column 7, lines 48-50, wherein a lateral shift is read as displacement in the X- and Y-axial directions and microscopic axial movements allowed by the bushing are read as restricted displacements).

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*Allowable Subject Matter*

11. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if: (1) rewritten in independent form including all of the limitations of the base claim and any intervening claims and (2) rewritten to comply with the claim objection stated above.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose similar force detecting devices: Sagisawa et al. (US 4,695,963), McFarland (US 3,826,145), and Gomi et al. (US 5,416,393).


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Punam Patel whose telephone number is (571) 272-6794. The examiner can normally be reached on Monday to Friday 9:30 AM to 6:00 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PP

  
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